

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Barbara Loomis and Henry Payne,
individually and on behalf of other
similarly situated employees,

Court File No. 09-cv-00026-AJB

Plaintiffs,

vs.

CUSA LLC d/b/a Coach America,
CUSA ES, LLC d/b/a Coach America
Crew Transport, and d/b/a Express
Shuttle, and CUSA CSS, LLC, d/b/a
Crew Shuttle Service,

Defendants.

**JOINT MOTION FOR LEAVE
TO FILE CONFIDENTIAL
SETTLEMENT PAYMENT
SCHEDULE AND
MEMORANDUM EXHIBIT
UNDER SEAL**

Pursuant to D. Minn. LR 79.1, named plaintiffs Barbara Loomis and Henry Payne, individually and on behalf of other similarly situated employees (collectively, “the Plaintiffs”), and defendants CUSA LLC d/b/a Coach America; CUSA ES, LLC d/b/a Coach American Crew Transport and d/b/a Express Shuttle; and CUSA CSS, LLC d/b/a Crew Shuttle Service (collectively, “the CUSA Defendants”), by and through their undersigned attorneys, hereby jointly move the Court for entry of an Order granting them leave to file a copy of the parties’ Confidential Settlement Payment Schedule (“the Schedule”), and Exhibit 1 to the parties’ Memorandum in Support of Joint Motion for Approval of Settlement and Dismissal With Prejudice, under seal. In support of this Joint Motion, the parties state as follows:

1. The parties have agreed to a Joint Stipulation for Settlement and Dismissal with Prejudice (“the Stipulation”) and a Confidential Settlement Payment Schedule in an attempt to fully and finally resolve their dispute without the expense of further litigation.

2. The Stipulation includes a release of claims under the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.* (“FLSA”). Because the Stipulation includes a compromise of the Plaintiffs’ FLSA claims, and because the Stipulation was not supervised by the United States Secretary of Labor, judicial approval of the Stipulation is required. Accordingly, the parties must submit a copy of the Stipulation and the Schedule to the Court for review and approval.

3. The parties wish to keep the terms of the Schedule confidential. Indeed, the amicable resolution of this action was facilitated in large part by the parties’ mutual understanding and expectation that the terms of their private settlement would remain confidential.

4. Additionally, one opt-in plaintiff, Matt Olive (“the Rejector”), has rejected the CUSA Defendants’ settlement offer. Along with his rejection, the Rejector served written objections on Plaintiffs’ counsel during the settlement notice period, which are Exhibit 1 to the parties’ Memorandum in Support of Joint Motion for Approval of Settlement and Dismissal With Prejudice. The Rejector’s written objections contain information which the parties wish to keep confidential, including, among other things, personal information regarding the Rejector, confidential information relating to a client of the CUSA Defendants, and confidential information relating to the CUSA Defendants’ contract with that client.

5. The parties therefore respectfully request that the Court grant them leave to file the Schedule and Exhibit 1 to the parties' Memorandum in Support of Joint Motion for Approval of Settlement and Dismissal With Prejudice under seal.

WHEREFORE, the parties respectfully request that the Court enter an Order granting them leave to file the Schedule and Exhibit 1 to the parties' Memorandum in Support of Joint Motion for Approval of Settlement and Dismissal With Prejudice under seal.

Date: July 8, 2010

s/ Charles G. Frohman

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